



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 40]

नई दिल्ली, शुक्रवार, अगस्त 12, 2005 / श्रावण 21, 1927

No. 40]

NEW DELHI, FRIDAY, AUGUST 12, 2005 / SRAVANA 21, 1927

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on 12th August, 2005:—

I

BILL NO. XL OF 2005

A Bill to provide for the compulsory use of Hindi language in Devanagari script and any one of the other Indian language specified in the Eighth Schedule to the Constitution of India on all packages of consumer goods and in all commercial advertisements of such goods and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Use of Hindi and other Indian Languages on Consumer Goods and their Advertisements Act, 2005.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. Notwithstanding anything contained in any other law for the time being in force all commercial advertisements, printed, hand written or visual, telecast by any Television network or channel or broadcast through radio or shown through slides in cinema halls or printed in newspaper, magazine or through any other form of communication to which general public has access, for promoting business, commerce, trade, service, industry or article of food, drink, cosmetic, drug or any other article meant for human consumption shall be in Hindi language or in Devanagari script, as the case may be and also in one of the other Indian languages specified in the Eighth Schedule to the Constitution:

Compulsory
use of Hindi
and one other
Indian
language in
advertisement
of consumer
goods.

Provided that if English language is used in the advertisement, the same matter shall also be inscribed below that matter in Hindi and other language as per the provisions of this Act.

Labelling of
packed article
in Hindi and
one Indian
language.

3. Notwithstanding anything contained in any other law for the time being in force, every packed article of food, drink, cosmetic, drug or any article meant for human consumption shall be displayed by a proper label printed in Hindi and any of other Indian languages specified in the Eighth Schedule to the Constitution giving the following information, namely:—

- (a) various ingredients used in the packed article and ratio in which they have been used;
- (b) sources of derivation of ingredients;
- (c) generic and commonly known names of such ingredients;
- (d) side effects of the ingredients, if any;
- (e) date of manufacture of packed article along with its date of expiry.

Central
Government
to take
measures to
give effect.

4. The Central Government shall take such measures, which it may deem necessary to give effect to the provisions of this Act.

Penalty.

5. Whoever contravenes the provisions of this Act shall be punishable with imprisonment, which shall not be less than one year but may extend to three years and also with fine which may extend to fifty thousand rupees.

STATEMENT OF OBJECTS AND REASONS

It is a pity that even after more than five decades of independence Hindi and other Indian languages recognized by our Constitution have not found a deserving place for them in our working and our day-to-day life. Not only the official work but even the commercial work is done in English language. All the advertisements are done in English. The labelling of packed food articles, drinks, cosmetics, drugs, etc. is also done in English. If the labels will be in Hindi and any other Indian language giving the contents and sources etc. more people will be able to know about their ingredients and cases of allergy, food poisoning, intoxication etc. can be reduced to a great extent. Hence promotion of Hindi and other Indian languages in place of English for commercial purposes has become necessary for promoting nationalism and self-pride and rid of slavery of English language in our day-to-day life.

Hence this Bill.

KRIPAL PARMAR

II

BILL NO. XLI OF 2005

A Bill to provide for the development of hilly, drought prone and backward areas of the country which are lagging behind in economic, social, educational, commercial, infrastructure and industrial development in comparison to other areas through special development plans by establishing an autonomous Authority for that purpose and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the fifty-sixth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Hilly, Drought Prone and Backward Areas (Development) Act, 2005.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(b) "Authority" means the Hilly, Drought Prone and Backward Areas Development Authority established under section 4;

(c) "backward areas" means the socially, economically, educationally, and industrially undeveloped or under-developed areas including the hilly areas so declared by the appropriate Government under section 3;

(d) "drought prone areas" means the areas where the average rainfall is scanty and below normal and which are declared as drought prone by the Central Government, by notification in the Official Gazette, in consultation with the Government of those States where for the time being such areas exist;

(e) "prescribed" means prescribed by rules made under this Act.

3. Notwithstanding anything contained in any other law for the time being in force, the Central Government shall, as soon as may be, but within a period of six months from the date of commencement of this Act, formulate special development plans for providing industrial growth through heavy, medium and small scale industries particularly of Agro based food processing, village industries and handicrafts, infrastructure like roads, power, post and telegraph and other means of communication, Information Technology, agriculture, irrigation facilities, potable water through wells, hand pumps, canals and tap water, fodder facilities, forests, livestock and poultry, cooperatives, health facilities, transport facilities including railways and air services, education and vocational training, employment opportunities, tourism and related infrastructure for the hilly and drought prone areas of the country particularly in Himachal Pradesh, Jammu and Kashmir, Uttaranchal, North Eastern States, Madhya Pradesh, Chhattisgarh, Bihar, Jharkhand, Orissa, Andhra Pradesh, Gujarat, Rajasthan and other hilly and drought prone and backward areas.

Special
Development
plans for the
Hilly and
Drought
Prone Areas.

4. (1) For the purposes of this Act, with effect from such date, as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established by the Central Government an Authority to be called the Hilly, Drought Prone and Backward Areas Development Authority.

Establishment
of the Hilly,
Drought Prone
and Backward
Areas
Development
Authority.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and common seal with power to acquire, hold and dispose of property both movable and immovable and to contract, and shall by the said name sue and be sued.

(3) The head office of the Authority shall be at Shimla in the State of Himachal Pradesh and the Authority may establish offices at such places in the country as it may deem necessary in such manner as may be prescribed.

(4) The Authority shall consist of a Chairperson, who shall ordinarily be a serving or retired Judge of the Supreme Court, a Vice-Chairperson, and fifteen other members with such tenure and terms and conditions of office as may be prescribed.

(5) The Authority shall conduct its business in such manner as may be prescribed.

(6) The Authority shall have a Secretariat with such officers, employees and other set up including the conditions of service of such officers and employees as the Central Government may, by notification in the Official Gazette determine from time to time for the efficient functioning of the Authority.

5. (1) It shall be the duty of the Authority to implement, in close cooperation of the appropriate Government, the special development plans formulated under section 3.

Functions of
the Authority.

(2) The Authority shall perform such other functions as may be assigned to it by Central Government, by notification in the Official Gazette, from time to time.

6. The Authority shall have a fund to be known as the "Hilly, Drought Prone and Backward Areas Development Fund" consisting of the money received from Central and State Governments, domestic and international financial institutions, corporates, individuals,

Development
Fund.

associations, etc., in the form of grants, donations, etc. for the development of hilly, drought prone and backward areas in the country and all the payments by the Authority towards development expenditure shall be made therefrom.

Central
Government
to provide
requisite funds.

7. The Central Government shall provide from time to time, after due appropriation made by Parliament by law, adequate requisite funds for the purposes of this Act and for the administrative expenses of the Authority.

Annual Report.

8. The Authority shall submit an Annual Report in such form and in such manner as may be prescribed of its activities and results achieved of development in the hilly, drought prone and backward areas of the country to the President of India, who shall cause the Report to be laid before both the Houses of Parliament, as soon as may be after it is received by him.

Power to
remove
difficulty.

9. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty, and any such orders shall be final.

Savings.

10. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to
make rules.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The hilly areas of Himachal Pradesh, Jammu and Kashmir, Uttaranchal, North Eastern States, etc. are not only backward and under-developed but also drought prone as these areas are solely dependent on the vagary of monsoon. There are no irrigation facilities. These areas consistently face severe shortage of drinking water. Similarly unprecedented drought conditions also play havoc in several parts of the country. The tribal areas of Chhattisgarh, Madhya Pradesh, Palamu Division of Jharkhand, KBK districts of Orissa, Mehboobnagar, etc. of Andhra Pradesh, entire Gujarat and Rajasthan are known as drought prone areas of the country. Persistent droughts have pushed these areas into backwardness. In the absence of rains, there are no crops as land has turned parched, no irrigation facilities and no water even to drink. Starvation deaths are also reported from some areas. There is exodus of people from these areas. The worst sufferer is the mute livestock. The people do not get food and water for survival. Employment opportunities have vanished. The situation very often goes from bad to worse in these areas. The Central and State Governments try to help the people but they have other responsibilities too. Hence urgent corrective measures have to be taken.

It is felt that there should be special development plans for these areas of the nation and an autonomous Authority to implement these plans on priority so that these hilly, drought prone and backward areas too are developed which ultimately will benefit the nation.

Hence this Bill.

KRIPAL PARMAR

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of Hilly, Drought Prone and Backward Areas Development Authority. Clause 6 provides for the establishment of a Development Fund. Clause 7 provides that Central Government shall provide requisite funds. The Bill if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two thousand crores per annum may involve as recurring expenditure.

A sum of rupees twenty thousand crores may also involve as non-recurring expenditure from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

III

BILL NO. XXXVI OF 2005

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2005.

(2) It shall come into force with immediate effect.

Insertion of
new article
371EA.

2. After article 371E of the Constitution, the following article shall be inserted,
namely:—

Establishment
of an Institute
of Medical
Sciences and
Institute of
Technology in
the State of
Himachal
Pradesh.

"371EA. Parliament may by law provide for the establishment of an,—

(i) Institute of Medical Sciences on the pattern of All India Institute of Medical Sciences, New Delhi; and

(ii) Institute of Technology on the pattern of existing Indian Institutes of Technology in the State of Himachal Pradesh."

STATEMENT OF OBJECTS AND REASONS

Himachal Pradesh is a hilly and economically backward State. Despite the odds, thousands of students from the State having the requisite merit want to pursue professional courses in engineering and medicine. But, unfortunately, not many students get admission in professional colleges outside the State and more so at the national level institutions. Even for those who are the lucky ones to get admission becomes outside the State, pursuing their studies very expensive and every student cannot afford it. Hence it has become necessary to set up an Institute of Technology on the pattern of existing Indian Institutes of Technology in the State for the benefit of aspiring engineering students of the State. Similarly, the Central Government has decided to open All India Institute of Medical Science in some States on the pattern of A.I.I.M.S., New Delhi, but, unfortunately, Himachal Pradesh has not been included in that list. Opening of such an Institute is necessary for the development of medical education in Himachal Pradesh.

Hence this Bill.

KRIPAL PARMAR

IV

BILL NO. LXXII OF 2005

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title.

1.(1) This Act may be called the Constitution (Amendment) Act, 2005.

Amendment of
article 25.

2. In article 25 of the Constitution,—

(a) in clause (2), for sub-clause (b), the following sub-clause shall be substituted, namely:—

"(b) providing for social welfare and reform on the throwing open of Hindu, Sikh, Jaina or Buddhist religious institutions of a public character to all classes and sections of these religions.";

(b) in *Explanation I*, for the word and figure "*Explanation I*", the word "*Explanation*" shall be substituted;

(c) *Explanation II* shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Clause (1) of article 25 provides to all persons equally freedom of conscience and the right to freely profess, practice and propagate religion subject to public order, morality and health and the other provisions of Part III of the Constitution.

Sub-clause (b) of clause (2) of article 25 provides that nothing in that article shall affect the operation of any existing law or prevent the State from making any law providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus. Explanation II to that article provides that the reference to Hindus in sub-clause (b) of clause (2) shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly. This inclusionary definition relating to Sikh, Jaina and Buddhist religions as included in the Hindu religion, though recognizing the distinctiveness of these religions on the face of it, has lead to avoidable confusion about the independent identity of these religions.

The National Commission to Review the Working of the Constitution, in its report, in para 3.23.2 has recommended for the omission of Explanation II to article 25 and re-wording of sub-clause (b) of clause (2) of that article as under with a view to distinctively refer to Sikh, Jaina and Buddhist religions, namely:—

"(b) providing for social welfare and reform or the throwing open of Hindu, Sikh, Jaina or Buddhist religious institutions of a public character to all classes and sections of these religions."

Clause 2 of the Bill proposes to amend article 25 with a view to omit Explanation II thereto and substitution of sub-clause (b) of clause (2) of that article with a new sub-clause with a view to distinctively refer to Sikh, Jaina and Buddhist religions in place of the extant inclusionary language to include these religions in the term "Hindu".

The Bill seeks to achieve the above objectives.

TARLOCHAN SINGH.

YOGENDRA NARAIN,
Secretary-General.